

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 409 of 2005

Between:

K. Mohan Reddy, S/o. Malla Reddy,
R/o. Somarampet Village, Ellanthakunta Mandal, Karimnagar District.

..... PETITIONER

AND

1 Cooperative Electric Supply Society Ltd., (C.E.S.S.), rep. by its

Managing Director, Sircilla, Karimnagar Dist.

2 The Assistant Divisional Engineer/OP,. Sub -Division, Mustabad

Cess Ltd., Sircilla, Karimnagar District.

3 The Assistant Engineer, Cooperative Electric Supply Society Ltd.,
Ellanthakunta Village, Sircilla, Karimnaga District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of mandamus by declaring the impugned notice dt. 29.12.2004 bearing letter No.441/2004 issued by the respondents as illegal, arbitrary and violative of principles of natural justice and pass such other and further orders as are deemed fit and proper by this Hon'ble Court.

Counsel for the Petitioner: MR.B.VIJAYSEN REDDY

Counsel for the Respondents: MR.M.SREERAMULU REDDY

The Court at the stage of admission made the following ORDER:

The petitioner challenges the order dated 29-12-2004, in which it was indicated that the petitioner was liable to pay a sum of Rs.1,06,980/- towards Back Billing and that in case the petitioner wants the continuance of power supply, he shall deposit 50% of the same. Several contentions are urged on behalf of the petitioner.

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

Though it is not clearly stated as such, the impugned notice is in the form of an order of provisional assessment. The actual liability of a consumer can be decided only after an order of final assessment is passed. The truth or otherwise of the allegations against the petitioner needs to be established after considering the explanation that may be offered by the petitioner. Further, there is no provision under the Electricity Act, 2003 enabling the respondents to insist on payment of amount. Even before an order of final assessment is passed, the power supply to the petitioner is said to have been disconnected.

For the foregoing reasons, the writ petition is disposed of directing that the

respondents shall restore the power supply to the petitioner on payment of a sum of Rs.25,000/- (Rupees twenty five thousand only). This deposit shall be subject to the outcome of the final orders that may be passed in pursuance of this notice. No order as to costs.

20-01-2005

kdl

To

- 1 The Managing Director Cooperative Electric Supply Society
Ltd., (C.E.S.S.), Sircilla, Karimnagar Dist.
- 2 The Assistant Divisional Engineer/OP, Sub -Division, Mustabad
Cess Ltd., Sircilla, Karimnagar District.
- 3 The Assistant Engineer, Cooperative Electric Supply Society Ltd.,
Ellanthakunta Village, Sircilla, Karimnaga District.
- 4 Two C.D. Copies.